

IN AND FOR NEW CASTLE COUNTY

|   |   |   |
|---|---|---|
| STENIO DESOUZA, and )<br>RAQUEL DESOUZA, )<br>Plaintiffs, )<br>v. )<br>PETTINARO CONSTRUCTION, CO., INC. )<br>PETTINARO ASSOCIATES, INC., )<br>PETTINARO ENTERPRISES, PETTINARO )<br>ENTERPRISES, LLC, PETTINARO )<br>RELOCATION, LLC, QUEENSBURY )<br>VILLAGE, INC., ARCHITECTURE PLUS, P.A. )<br>LANDMARK ENGINEERING, INC. )<br>MID-ATLANTIC REALTY, J.N. CAPPENTRY, )<br>INC., a/k/a/p/d/f/d/b/a, JN CARPENTRY, INC., )<br>NJ CARPENTRY, and/or JN CARPENTER, INC. )<br>E.F. CARPENTER, INC., U.S. BUILDERS ASSOC., )<br>LLC, U.S. CONSTRUCTION, INC. a/k/a/pf/d/b/a )<br>U.S. CONSTRUCTION, and/or U.S. )<br>CONSTRUCTION, LLC, U.S. CONSTRUCTION, )<br>JOSE H. RODRIGUES, a/p/f/k/a JOSE RODRIGUES )<br>JOSES G. RODRIGUES, and/or JOSE RODRIGUEZ, )<br>and/or JOSE M. RODRIGUEZ, and/or GOSE )<br>RODRIGUES, and/or JOSE HENRIQUES )<br>PEREIRA RODRIGUES, JOSE G. RODRIGUES, )<br>JOSE HENRIQUE PEREIRA RODRIGUES, )<br>JOSE RODRIGUEZ, JOSE M. RODRIGUEZ, )<br>GOSE RODRIGUES, NINO RODRIGUES, )<br>a/p/f/k/a ANTONIO G. RODRIGUES, and/or )<br>ANTONIO O. RODRIGUES, and/or ANTONIO )<br>RODRIGUES, ANTONIO G. RODRIGUES, )<br>ANTONIO O. RODRIGUES, AND ANTONIO )<br>RODRIGUES, )<br>Defendants. ) | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | C.A. No.: 05-787 (SLR)<br>JURY TRIAL DEMANDED |
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**AFFIDAVIT OF GARY W. ABER AND AMENDMENT TO COMPLAINT**

STATE OF DELAWARE )  
                        ) SS.  
COUNTY OF NEW CASTLE )

I, Gary W. Aber, being duly sworn according to law, does hereby depose and state as follows:

1. He is an attorney for the plaintiffs in the above-captioned matter.

2. The defendant, Jose H. Rodrigues, is a non-resident of the State of Delaware.

3. A summons and complaint directed to Jose H. Rodrigues, was served upon the Secretary of State, pursuant to 10 Del.C. §3104 on May 25, 2006.

4. By letter dated June 6, 2006 sent by Registered Mail, Return Receipt Requested, a copy of the summons and complaint was sent to Jose H. Rodrigues, which letter and enclosures constitute notice and service to defendant of the intention of this action as required by 10 Del.C. §3104. A copy of the letter dated June 6, 2006, is attached hereto as Exhibit No. 1.

5. Attached hereto as Exhibit No. 2 is a copy of the return receipt obtained at the time Exhibit No. 1 was mailed at the post office.

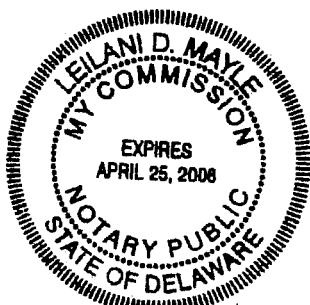
6. Attached hereto as Exhibit No. 3 is a copy of the return receipt for the delivery of the registered letter and attachments directed to Jose H. Rodrigues, which was received in the offices of the affiant on or about June 19, 2006.



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GARY W. ABER

SWORN TO AND SUBSCRIBED before me, a Notary Public, of the State and County aforesaid, this 30 day of June, 2006.



Leilani D. Mayle  
NOTARY PUBLIC

# EXHIBIT 1

LAW OFFICES

ABER, GOLDLUST, BAKER & OVER

(AN ASSOCIATION OF LAW PRACTICES)

702 KING STREET, SUITE 600

P.O. Box 1675

WILMINGTON, DELAWARE 19899-1675

GARY W. ABER, P.C.  
PERRY F. GOLDLUST, P.A.\*  
DARRELL J. BAKER, P.A.  
SUSAN C. OVER, P.C.  
SHAUNA T. HAGAN  
SAAGAR B. SHAH

(302) 472-4900

TELECOPIER (302) 472-4920

June 6, 2006

\*ALSO ADMITTED IN NEW YORK  
\*\*ALSO ADMITTED IN PENNSYLVANIA

**REGISTERED MAIL**

Mr. Jose H. Rodrigues  
108 Grant Street  
Riverside, NJ 08075

RE: DeSouza v. Pettinaro, et.al.

Dear Mr. Rodrigues:

Please find enclosed with this letter a copy of a complaint in the above-captioned matter, in which you are named as a defendant. Also enclosed is a copy of the summons showing that service of the complaint was made upon the Secretary of State of the State of Delaware on May 25, 2006, and filed with the Court on June 4, 2006.

The service of the original of such process and the complaint, made upon the Secretary of State, pursuant to the provisions of 10 Del.C. §3104 is as effectual for all intents and purposes as if it had been made upon you personally within this State.

You should refer this matter to your appropriate legal representative.

Yours very truly,



Gary W. Aber

GWA/mac  
Enclosure

# EXHIBIT 2

|  |  |  |  |
|--|--|--|--|
| <b>Registered No.</b>                          |  | <b>Date Stamp</b>  |  |
| <i>RB 4669218406A</i>                          |  | JUN 8 1980<br>RODNEY S. STAVIS<br>SASE                                 |  |
| <b>To Be Completed<br/>By Post Office</b>      | Reg. Fee \$ <i>7.90</i>  | Special Delivery \$ <i>0.00</i>  | <b>Domestic Insurance<br/>Is Limited To<br/>\$25,000; International<br/>Indemnity Is Limited<br/>(See Reverse)</b> |
|  | Handling Charge \$ <i>1.59</i>   | Return Receipt \$ <i>1.85</i>  |  |
| <b>Customer Must Declare<br/>Full Value \$</b> | <input type="checkbox"/> With Postal Insurance<br><input checked="" type="checkbox"/> Without Postal Insurance (See Reverse) |  |  |
| <b>FROM</b>                                    |  | <i>Gary W. Aber.<br/>P.O. Box 1675<br/>Wilmington, DE 19899</i>        |  |
| <b>TO</b>                                      |  | <i>Jose H. Rodrigues.<br/>108 Grant Street<br/>Riverside, NJ 08075</i> |  |

PS Form 3806, Receipt for Registered Mail (Customer Copy)  
 June 2000 (See Information on Reverse)

*CWA /Desenza*

# EXHIBIT 3

|  |  |  |  |
|--|--|--|--|
| <b>SENDER: COMPLETE THIS SECTION</b>   |  | <b>COMPLETE THIS SECTION ON DELIVERY</b>   |  |
| <ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> |  | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>John Rodriguez</i></p> <p>B. Received by (Printed Name)<br/> <input type="checkbox"/> <i>John Rodriguez</i></p> <p>C. Date of Delivery<br/> <input type="checkbox"/> <i>7/10/06</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> <input type="checkbox"/> No<br/> <small>If YES, enter delivery address below:</small></p> |  |
| <p>1. Article Addressed to:</p> <p><i>Jose H. Rodrigues<br/>108 Grant Street.<br/>Riverside, NJ.<br/>08075.</i></p>  |  | <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail<br/> <input checked="" type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>  |  |
| <p>2. Article Number<br/> <small>(Transfer from service label)</small></p> <p><i>RB669 218406 US.</i></p>  |  | <p>Domestic Return Receipt</p> <p><i>Gua/Desonza</i> 102595-02-M-1540</p>  |  |

PS Form 3811, August 2001